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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

7 STEAKHOUSE SEATTLE, LLC, et al.,

8 Plaintiff(s),

9 v.

10 UNITED STATES ,

11 Defendant(s).  
12  
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Case No. 3:18-cv-05751-BHS

ORDER REGARDING INITIAL  
DISCLOSURES, JOINT STATUS  
REPORT, AND  
EARLY SETTLEMENT

14 **I. INITIAL SCHEDULING DATES**

15 The Court sets the following dates for initial disclosure and submission of the  
16 Joint Status Report and Discovery Plan:

17 Deadline for FRCP 26(f) Conference: 12/3/2018

18 Initial Disclosures Pursuant to FRCP 26(1)(1): 12/10/2018

19 Combined Joint Status Report and Discovery  
20 Plan as Required by FRCP 26(f)  
and Local Civil Rule 26(f): 12/17/2018

21 The deadlines above may be extended only by the Court. Any request for an  
22 extension should be made by telephone to Gretchen Craft, Courtroom Deputy, at  
23 (253) 882-3825. If Defendants have appeared, the parties are directed to meet and

1 to confer before contacting the Court to request an extension.

2 If this case involves claims which are exempt from the requirements of  
3 FRCP 26(a) and 26(f), please notify the Court, by telephone at (253) 882–3825.

## 4 **II. JOINT STATUS REPORT & DISCOVERY PLAN**

5 All counsel and any pro se parties are directed to confer and provide the Court  
6 with a combined Joint Status Report and Discovery Plan (the "Report") by  
7 December 17, 2018. This conference shall be by direct and personal communication,  
8 whether that be a face-to-face meeting or a telephonic conference. The Report will be  
9 used in setting a schedule for the prompt completion of the case. It must contain the  
10 following information by corresponding paragraph numbers:

- 11 1. A statement of the nature and complexity of the case.
- 12 2. A proposed deadline for the joining of additional parties.
- 13 3. The parties have the right to consent to assignment of this case to a full time  
14 United States Magistrate Judge, pursuant to 28 U.S.C. §636(c) and Local Rule MJR 13  
15 to conduct all proceedings. The Western District of Washington assigns a wide range of  
16 cases to Magistrate Judges. The Magistrate Judges of this district thus have significant  
17 experience in all types of civil matters filed in our court. Additional information about  
18 our district's Magistrate Judges can be found at [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov). The  
19 parties should indicate whether they agree that the Honorable John L. Weinberg  
20 may conduct all proceedings including trial and the entry of judgment. When  
21 responding to this question, the parties should only respond "yes" or "no". Individual  
22 party responses should not be provided. A "yes" response should be indicated only  
23 if parties consent. Otherwise, a "no" response should be provided.

1           4.    A discovery plan that states, by corresponding paragraph letters (A, B, etc.),  
2 the parties' views and proposals on all items in Fed. R. Civ. P. 26(f)(3), which  
3 includes the following topics:

- 4               (A) initial disclosures;  
5               (B) subjects, timing, and potential phasing of discovery;  
6               (C) electronically stored information;  
7               (D) privilege issues;  
8               (E) proposed limitations on discovery; and  
9               (F) the need for any discovery related orders.

10          5.    The parties' views, proposals, and agreements, by corresponding paragraph  
11 letters (A, B, etc.), on all items set forth in Local Civil Rule 26(f)(1), which includes  
12 the following topics:

- 13               (A) prompt case resolution;  
14               (B) alternative dispute resolution;  
15               (C) related cases;  
16               (D) discovery management;  
17               (E) anticipated discovery sought;  
18               (F) phasing motions;  
19               (G) preservation of discoverable information;  
20               (H) privilege issues;  
21               (I) Model Protocol for Discovery of ESI; and  
22               (J) alternatives to Model Protocol.

23          6.    The date by which discovery can be completed.

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2 7. Whether the case should be bifurcated by trying the liability issues before  
3 the damages issues, or bifurcated in any other way.

4 8. Whether the pretrial statements and pretrial order called for by Local Civil  
5 Rules 16(e), (h), (i), and (k), and 16.1 should be dispensed with in whole or in part  
6 for the sake of economy.

7 9. Any other suggestions for shortening or simplifying the case.

8 10. The date the case will be ready for trial. The Court expects that most civil  
9 cases will be ready for trial within a year after filing the Joint Status Report and  
10 Discovery Plan.

11 11. Whether the trial will be jury or non–jury.

12 12. The number of trial days required.

13 13. The names, addresses, and telephone numbers of all trial counsel.

14 14. The dates on which the trial counsel may have complications to be  
15 considered in setting a trial date.

16 15. If, on the due date of the Report, all defendant(s) or respondent(s) have not  
17 been served, counsel for the plaintiff shall advise the Court when service will be  
18 effected, why it was not made earlier, and shall provide a proposed schedule for the  
19 required FRCP 26(f) conference and FRCP 26(a) initial disclosures.

20 16. Whether any party wishes a scheduling conference before the Court enters  
21 a scheduling order in the case.

1           17. List the date(s) that each and every nongovernmental corporate party filed  
2 its disclosure statement pursuant to Fed. R. Civ. P. 7.1 and Local Rule 7.1.

3           If the parties are unable to agree to any part of the Report, they may answer in  
4 separate paragraphs. No separate reports are to be filed. If the parties wish to have a  
5 status conference with the Court at any time during the pendency of this action, they  
6 should notify the Court by telephone at (253) 882–3825.

### 7                                   **III. PLAINTIFF'S RESPONSIBILITY**

8           This Order is issued at the outset of the case, and a copy is sent by the clerk to  
9 counsel for plaintiff (or plaintiff, if pro se) and any defendants who have appeared.  
10 Plaintiff's counsel (or plaintiff, if pro se) is directed to serve copies of this Order on all  
11 parties who appear after this Order is filed. Such service shall be accomplished  
12 within ten (10) days after each appearance. Plaintiff's counsel (or plaintiff, if pro se)  
13 will be responsible for starting the communications needed to comply with this Order.

### 14                                  **IV. JUDGE SPECIFIC PROCEDURAL INFORMATION**

15           All counsel and unrepresented parties should review Judge Settle's web page  
16 for procedural information applicable to cases before Judge Settle. The judges'  
17 web pages, in addition to the Local Rules, Electronic Filing Procedures for Civil and  
18 Criminal Cases, court forms, instruction sheets, and General Orders, can be found on  
the Court's website at [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov).

### 19                                  **V. EARLY SETTLEMENT CONSIDERATION AND NOTIFICATION**

20           If settlement is achieved, counsel shall immediately notify the Court, at  
21 (253) 882–3825.

22           The parties are responsible for complying with the terms of this Order. The Court

1 may impose sanctions on any party who fails to comply fully with this Order.  
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3 DATED: The 18th of September 2018.

4 s/ Benjamin H. Settle

5 Benjamin H. Settle  
6 United States District Judge  
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